

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 09/11/2020

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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APPLICATION OF CBRE GLOBAL	:
INVESTORS (NL) B.V., CBRE DRET	:
CUSTODIAN I B.V., CBRE DHC MAASTRICHT	: No. 20 Misc. 315
(GROTE STAAT V) B.V. and CBRE DHC DEN	:
HAAG (GROTE MARKSTRAAT V) B.V.	:
	:
Petitioners,	:
	:
For an Order Granting Leave to Issue Subpoenas for:	:
Discovery in Aid of Foreign Proceedings Pursuant	:
to 28 U.S.C. § 1782.	:
_____	x

~~PROPOSED~~ ORDER

Upon consideration of the *ex parte* petition for an order granting leave to issue subpoenas for discovery in aid of foreign proceedings pursuant to 28 U.S.C. § 1782 submitted by petitioners CBRE Global Investors (NL) B.V., CBRE DRET Custodian I B.V., CBRE DHC Maastricht (Grote Staat V) B.V. and CBRE DHC Den Haag (Grote Markstraat V) B.V. (collectively, “CBRE”), and all papers submitted in support, this Court finds that (1) the statutory requirements of 28 U.S.C. § 1782 are satisfied, and (2) the factors identified by the United States Supreme Court in *Intel Corp. v. Advanced Micro Devices, Inc.*, 542 U.S. 241 (2004), weigh in favor of granting the petition. It is therefore

ORDERED that the petition is granted; and it is further

ORDERED that petitioners’ counsel is hereby authorized to issue, sign and serve upon HBC US Holdings LLC (“HBC US”) and David Schwartz the subpoenas annexed as Exhibits 6, 7 and 8 to the declaration of Jonathan M. Wagner, Esq.; and it is further

ORDERED that petitioners’ counsel shall serve a copy of this Order and all papers upon which it was based together with said subpoenas; and it is further

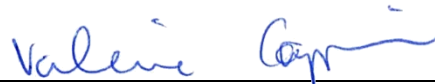
ORDERED that HBC US and David Schwartz are directed to comply with the subpoenas in accordance with the Federal Rules of Civil Procedure and the Rules of this Court; and it is further

ORDERED that the foregoing is without prejudice to the rights of HBC US and David Schwartz to file a motion to vacate or quash; and it is further

ORDERED that the Court shall retain jurisdiction over this matter.

SO ORDERED:

Date: September 11, 2020



Hon. Valerie Caproni
United States District Judge